

STATE OF NEW YORK

SOUTHERN DIST COUNTY

U. S. DISTRICT COURT

DOCUMENTS SERVED WITH INDEX # 09 Civ 7019 AND FILED ON AUGUST 25, 2009

ATTORNEY(S)

Nachum Zager

Plaintiff(s)/Petitioner(s)

vs

Richard D. Fairbank

Defendant(s)/Respondent(s)

STATE OF VIRGINIA

COUNTY OF

, SS.:

CURTIS HOWARD

, being duly sworn deposes and says deponent is not a party herein,
 and is over the age of eighteen years. That on 11 SEPT, 09 at 11:40 AM
 at 1680 CAPITAL ONE DR. MCLEAN, VA 22102 deponent (did, did not) serve the within
 Summons in a Civil Action & Class Action

on: Capital One Bank, Defendant (herein called recipient) therein named.

#1 INDIVIDUAL By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.

#2 CORP. A _____ corporation, by delivering thereat a true copy of each to CARLA COLE personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be MANAGING AGENT thereof

Service was made in the following manner after your deponent was unable, with due diligence, to serve the defendant in person including an effort to reach the defendant by telephone (if such telephone number was available) and an attempt to locate the defendant's place of employment

#3 SUITABLE AGE PERSON By delivering a true copy of each to _____ a person of suitable age and discretion Said premises is recipient's [] actual place of business [] dwelling house (usual place of abode) within the state

#4 AFFIXING TO DOOR By affixing a true copy of each to the door of said premises, which is recipient's [] actual place of business [] dwelling house (usual place of abode) within the state

#5 MAILING COPY On _____ deponent completed service under the last two sections by depositing a copy of the

to the above address in a First Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Deponent called at the aforementioned address on the following dates and times:

on the _____ day of _____ at _____
 on the _____ day of _____ at _____
 on the _____ day of _____ at _____
 on the _____ day of _____ at _____

#6 NON-SERVICE After due search, careful inquiry and diligent attempts I have been unable to effect process upon the person/entity being served because of the following:

[] Unknown at Address [] Evading [] Moved left no forwarding [] Address does not exist [] Other

#7 DESCRIPTION A description of the Defendant or other person served on behalf of the Defendant is as follows:

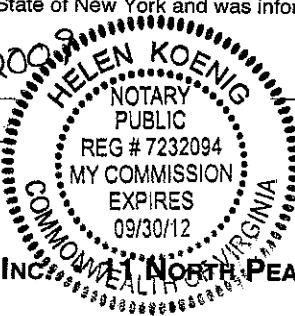
(use with #1 2 or 3) Sex F Color of skin WHITE Color of hair BROWN Approx Age 45 Approx Height 5'5" Approx weight 140 Other GLASSES

#8 WIT. FEES \$ _____ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient.

Deponent asked person spoken to whether the recipient was presently in military service of the United States Government or on active duty in the military service in the State of New York and was informed he/she was not.

Sworn to before me on this

14th day of September 2009
Helen Koenig
 Notary Public



Curtis Howard
 CURTIS HOWARD

Invoice Work Order # 0917231

ALEXANDER, POOLE & CO., INC. • 1 NORTH PEARL STREET • ALBANY, NEW YORK, 12207